

REMARKS

The Office Action dated December 15, 2004 has been received and its contents carefully noted. In response thereto, applicant has amended existing claims, canceled claim 19 and added new claims 34, 35 and 36 in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Drawing Amendment

The Office Action does not make an indication that the proposed drawing amendment filed on March 20, 2002 with the application was approved. It is respectfully requested that the proposed drawing amendment be reviewed and approved. Applicant can then submit formal drawings.

Claim Rejections - 35 U.S.C. § 103

Turning now to the rejections under 35 U.S.C. § 103, claims 17, 19, 20, 24, 29, 30, 32 and 33 have been rejected as being allegedly obvious when Staats (U.S. Patent No. 6,714,000) is combined with Hunt (U.S. Patent No. 5,467,011). To reject claims 18 and 31, the Staats-Hunt combination has been modified on the grounds of alleged obviousness by adding Harman (U.S. Patent No. 5,488,222). Applicant respectfully disagrees with these rejections for the following cogent reasons.

In order to further emphasize the novel features of the present invention, the subject matter of original claim 19, i.e., that the sensing is effected by means of an electrically conductive coil arranged around the at least one electrical conductor, has been incorporated into claims 17, 20 and 33. Claim 19 has been canceled. New claims 34, 35 and 36 have been added to further define the position of the coil relative to the conductor. These amendments are fully supported by claim 19, the specification and Figs. 3a and 3b of the drawings.

Page 2 of the Office Action indicates that Staats "teaches sensing electromagnetic field being affected by means of an electrically conductive coil arranged around the at least one electrical conductor." Applicant respectfully disagrees with this contention as Staats discloses a method of remote monitoring of the electric power and current flow in power lines provided above ground, see Figs. 3 - 4. In Staats, the term "remote" relates to a distance from the lines in which the current flows, see e.g., col. 2, lines 23 - 24: "it is desired that an apparatus be located within approximately 200 feet of the monitored line." Staats describes equations which form a way of deducing the current flow by measuring the electric field at a point in space, see e.g., col. 8, lines 34 +. Thus, the electric field is not sensed by means of an electrically conductive coil arranged around said at least one electrical conductor as set forth in claims 17, 20 and 33 but by means of an apparatus provided at a distance from the electrical conductor.

While Staats may teach that the measurements of magnetic field can be obtained through the use of coils, see col. 11, lines 30-33, these coils are not provided around the electrical conductor to be monitored. Instead, these coils are provided remote from the conductor to be monitored and the orientations of the coils are important when monitoring the

magnetic field, see e.g., col. 11, lines 35-38, wherein it is stated that "[u]sually one probe will be oriented perpendicular to the plane of the earth and the other horizontal to the plane of the earth and perpendicular to the path of the transmission lines." This clearly indicates that the coils are not arranged around the electrical conductor as provided in the present invention.

The Examiner recognizes some of the inherent deficiencies of the Staats patent attempts to correct them by scouring the prior art and combining bits and pieces of the Hunt and Harman references into the Staats patent. However, these added references do not make up for the above noted basic deficiencies in the Staats patent so the combinations proposed by the Examiner still fall far short of the present invention. In particular, the added references fail to disclose the use of means for sensing comprising an electrically conductive coil arranged around said at least one electrical conductor. Thus, it is not seen how the claimed invention can be derived from Staats, Hunt and Harman as these references, alone or in combination, simply do not teach or suggest what is set out in the applicant's claims and do not provide the basis for developing the invention to persons having ordinary skill in the art to which the subject matter pertains. The combination of features in the amended claims solve the problem of remote reading and controlling electrical power meters in an efficient way. This solution is in no way taught by the cited prior art and must therefore be considered to involve an inventive step. Accordingly, the Examiner's reliance on these prior art references is not properly grounded and the rejections based thereon should be withdrawn.

In addition, it is only when the Examiner looks to applicant's own disclosure that the Examiner can allege obviousness by choosing these bits and pieces of the prior art references

and then combining these bits and pieces together based on alleged obviousness. Such rejections are merely improper hindsight reconstruction of applicant's own invention using applicant's own disclosure.

The Court of Appeals for the Federal Circuit has steadfastly criticized the type of hindsight modification being practiced by the Examiner in this application. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). See also, e.g., In re Laskowski, 871 F.2d 115, 10 USPQ 2d 1397 (Fed. Cir. 1989); Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1985); In re Grabiak, 769 F.2d 729, 731, 226 USPQ 870, 872 (Fed. Cir. 1985); In re Sernaker, 701 F.2d 989, 994, 217 USPQ 1, 5 (Fed. Cir. 1983).

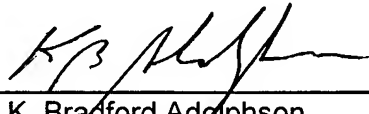
Accordingly, it is submitted that the present invention as claimed is readily distinguishable from the prior art references for the reasons indicated. Applicant's invention is not disclosed by any of the prior art and there is no fair basis for alleging that applicant's invention is obvious in regard to such prior art. If the invention was obvious, it would have been adopted before in view of its advantages.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all the presently pending claims are allowable and early favorable action is earnestly solicited. The Examiner is invited to call applicant's attorney if any questions remain following review of this response.

Respectfully submitted,

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By 
K. Bradford Adolphson
Attorney for Applicant
Registration No. 30,927

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676